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Attorney Docket # 5106-24

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Lawrence OSKIELUNAS et al.

Serial No.: 09/925,758

Filed: August 9, 2001

For: A System, Method And Article Of Manufacture  
For Auctioning In A Data Network Environment

Examiner: Nguyen, Nga B  
Group Art: 3692

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April 1, 2008

(Date of Deposit)

**Alfred W. Froebrich**

Name of applicant, assignee or Registered Representative

Signature

April 1, 2008

Date of Signature

Mail Stop **Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

By this Petition, applicants request withdrawal of the holding of abandonment set forth in the USPTO Notice of Abandonment mailed December 12, 2007 (Paper No. 20071210) in connection with the above-identified application. Any fees or charges required in connection with this Petition may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.


Applicants received from the USPTO the above-mentioned Notice of Abandonment, mailed December 12, 2007, reciting that the subject application is abandoned due to Applicants' alleged failure to respond to the Office Action mailed June 5, 2007.

In fact, a suitable response to the Office Action of June 5, 2007 -- namely, an "Amendment" -- was filed in the USPTO by First Class Mail, accompanied by a Certificate of Mailing, on December 4, 2007 and received by the USPTO on December 6, 2007. Enclosed is a copy of that Amendment, which applicants obtained from the USPTO's Public PAIR. The first page of the Amendment bears both applicants' Certificate of Mailing and the Patent Office's receipt stamp supporting applicants' statements above. Also enclosed is an item list of the USPTO Image File Wrapper of the subject application also obtained from Public PAIR. The item list also shows that USPTO received applicants' December 4, 2007 Amendment on December 6, 2007.

Based on the foregoing, applicants submit that the Amendment was timely filed by the applicants and received and entered by the Patent Office.

Inasmuch as applicants did in fact file a timely and complete response to the Office Action of June 5, 2007, it is respectfully requested that the holding of abandonment of the instant application be withdrawn and that the case be restored to active, pending status. It is further requested that, upon restoration of the case to active, pending status, the Examiner duly consider the substance of the Amendment originally filed December 4, 2007 and thereby continue prosecution of the instant application.

Respectfully submitted,  
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By   
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Dated: April 1, 2008

09/925,758	System, method and article of manufacture for auctioning in a data network environment	03-31-2008::16:03:45
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